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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Ms. Nicole Ann **Mannion** (Ireland)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fifth session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 25th and 27th meetings, on 16 and 23 December 2010. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/65/SR.25 and 27).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the revised estimates relating to the budget of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2010-2011 (A/65/183);

(b) Report of the Secretary-General on the first performance report of the International Tribunal for the Former Yugoslavia for the biennium 2010-2011 (A/65/581);

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(c) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/65/616 and Corr.1).

II. Consideration of draft resolution A/C.5/65/L.19

4. At its 27th meeting, on 23 December, the Committee had before it a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/65/L.19), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of New Zealand.

5. At the same meeting, the Committee adopted draft resolution A/C.5/65/L.19 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Having considered the report of the Secretary-General on the revised estimates relating to the budget of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2010-2011[1] and his first performance report on the International Tribunal for the Former Yugoslavia for the biennium 2010-2011,[2]

Having also considered the report of the Board of Auditors on the International Tribunal for the Former Yugoslavia and the recommendations contained therein,[3]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the Former Yugoslavia and its subsequent resolutions thereon, the latest of which was resolution 64/240 of 24 December 2009,

1. *Takes note* of the report of the Secretary-General on the revised estimates relating to the budget of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2010-2011[1] and his first performance report on the International Tribunal for the Former Yugoslavia for the biennium 2010-2011;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[4]

3. *Decides* on a revised appropriation to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 of a total amount of 320,511,800 United States dollars gross (290,087,500 dollars net) for the biennium 2010-2011, as detailed in the annex to the present resolution;

4. *Also decides*, for the year 2011, to apportion among Member States, in accordance with the scale of assessments applicable to the regular budget of the

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[1] A/65/183.

[2] A/65/581.

[3] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 5L* (A/65/5/Add.12).

[4] A/65/616 and Corr.1.

United Nations for the year, the amount of 87,615,150 dollars gross (77,908,050 dollars net), including 15,113,150 dollars gross (10,911,100 dollars net), being the increase in assessments;

5. *Further decides*, for the year 2011, to apportion among Member States, in accordance with the rates of assessment applicable to peacekeeping operations for the year, the amount of 87,615,150 dollars gross (77,908,050 dollars net), including 15,113,150 dollars gross (10,911,100 dollars net), being the increase in assessments;

6. *Decides that*, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 4 and 5 above, their respective share in the Tax Equalization Fund in the amount of 19,414,200 dollars, including 8,404,100 dollars, being the increase in the estimated staff assessment income approved for the International Tribunal for the Former Yugoslavia for the biennium 2010-2011;

7. *Recognizes* the critical importance of retaining highly skilled and experienced staff members with relevant institutional memory in order to successfully complete the trials and meet the targets set out in the completion strategy of the Tribunal;

8. *Reaffirms* paragraph 5 of its resolution 63/256 of 24 December 2008 and paragraph 6 of section II of its resolution 64/239 of 24 December 2009, and requests the Secretary-General to utilize his existing authority under the existing contractual framework to offer contracts to staff, taking into account the needs of the Tribunal;

9. *Also reaffirms* paragraph 7 of section II of its resolution 64/239 and reiterates its request to the Secretary-General to explore the possibility of employing at the United Nations, should their services be required, staff who remain with the Tribunal until the completion of its mandate or until their services are no longer needed;

10. *Welcomes* the efforts of the Secretary-General to facilitate the selection of staff of the Tribunal who are subject to downsizing;

11. *Reiterates* the importance of carrying out an effective outreach programme within the overall mandate of the Tribunal and its completion strategy, and requests the Tribunal, in accordance with its mandate and in consultation with the Department of Public Information of the Secretariat, to continue to develop and implement outreach programmes that are proactive, utilizing available resources optimally, and that contribute to the reconciliation process by effectively developing an increased understanding of its work;

12. *Encourages* the Secretary-General to continue to explore measures to raise adequate voluntary resources to fund the outreach programme.

Annex

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2010-2011

	Gross	*Net*
	(United States dollars)	
Initial appropriation for the biennium 2010-2011 (resolution 64/240)	290 285 500	268 265 300
Add:		
Revised estimates for the biennium 2010-2011 after recosting (A/65/183 and A/65/616 and Corr.1)	45 587 200	39 976 600
First performance report for the biennium 2010-2011 (A/65/581)	(15 360 900)	(18 154 400)
Estimated revised appropriation for the biennium 2010-2011	**320 511 800**	**290 087 500**
Less:		
Estimated income for the biennium 2010-2011	(277 500)	(277 500)
Assessment for 2010	145 004 000	133 993 900
Balance to be assessed for 2011	**175 230 300**	**155 816 100**
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2011	87 615 150	77 908 050
Contributions assessed on Member States in accordance with the rates of assessment applicable to peacekeeping operations of the United Nations for 2011	87 615 150	77 908 050